

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DENISE KITCHEN, Individually and as
Representative of the Estate of Gregory
Kitchen, Deceased,**

Plaintiffs,

VS.

DALLAS COUNTY, TEXAS, *et al.*,

Defendants.

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**CIVIL NO. 3:10-CV-01779-P
(ECF)**

NOTICE OF APPEAL
TO UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

NOTICE IS HEREBY GIVEN, pursuant to Rule 3(a) of the Federal Rules of Appellate Procedure, that Plaintiff Denise Kitchen, Individually and as Representative of the Estate of Gregory Kitchen, appeals to the United States Court of Appeals for the Fifth Circuit from the following judgments, orders, rulings and decrees:

1. Final Judgment, entered April 24, 2013 (Docket Entry No. 66);
2. Order, entered April 24, 2013 (Docket Entry No. 65), granting Defendants' Motion for Summary Judgment;
3. The Court's implied overruling of Plaintiff's objections to Defendants' Summary Judgment Evidence; and
4. The Court's implied overruling of Plaintiff's Objections to Defendants' Designation of Experts (Docket Entry No. 48).

DATED: May 20, 2013

Respectfully submitted,

/s/ James D. Montgomery, Sr.

James D. Montgomery Sr. (admitted *pro hac vice*)

James D. Montgomery Jr. (admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2013, the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ James D. Montgomery, Jr. _____
James D. Montgomery Jr.